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November 12, 2024

Doyle v. Gentile, No. 1:21-cv-08528-LTS-OTW

Dear Judge Wang:

We write on behalf of Counterclaim Plaintiff Kevin Doyle in response to Counterclaim Defendants' letters filed with the Court on November 6, 2024 (ECF No. 117) and November 7, 2024 (ECF No. 119) (collectively, the "Letters").

First, Counterclaim Defendants state in the Letters that certain privileged material was produced to Mr. Doyle. Pursuant to the October 28, 2024 Order of the Court (ECF No. 110), Counterclaim Defendants' former counsel, Grant & Eisenhofer, was directed to make a document production to Mr. Doyle by November 1, 2024. During our review of Counterclaim Defendants' document production received from Grant & Eisenhofer, we discovered that potentially privileged material was inadvertently disclosed. Notwithstanding that, due to Counterclaim Defendants' prejudicial conduct during discovery and repeated violations of this Court's orders, such document production was to be made "without any need for review or anything else" (Oct. 10, 2024 Hearing Tr. 7:24–25) and that "[i]f there's a privilege, they've waived it" (Oct. 10, 2024 Hearing Tr. 8:1), out of an abundance of caution, we promptly notified Counterclaim Defendants by email on November 6, 2024 that we were in receipt of potentially privileged material and confirmed that we would delete all copies in our possession. A copy of such email is attached hereto as Exhibit A. The Letters are unclear as to what relief Counterclaim Defendants seek, but we do not believe any Court intervention is needed.

Second, Counterclaim Defendants purport to seek discovery from certain specified devices in Mr. Doyle's custodial possession. All responsive document productions from Mr. Doyle, including documents stored on the devices identified by Mr. Gentile, were timely made to Counterclaim Defendants on July 14, 2023 and June 28, 2024 in accordance with the document production deadlines then-in-effect. Accordingly, no intervention from the Court is required.

Third, Counterclaim Defendants further seek a "protective order limiting Plaintiffs' [sic] contact to parties directly involved in the unlawful script" (ECF No. 119). While Mr. Doyle reserves all his rights to third party discovery in this case, he acknowledges and intends to comply with the Court's November 8, 2024 Order directing him to "refrain from engaging in any third-party discovery until after Counterclaim Defendants have been deposed" (ECF No. 118). For the Court's awareness, Mr. Doyle received a document production from a

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non-party on November 1, 2024 (*i.e.*, prior to the Court's November 8, 2024 Order and pursuant to a subpoena for the production of documents issued well before such date, which was properly noticed to Counterclaim Defendants in accordance with Fed. R. Civ. P. 45(a)(4)). Mr. Doyle intends to timely produce the same to Counterclaim Defendants today in compliance with the Stipulation and Order re: Discovery of Electronically Stored Information endorsed by the Court on July 11, 2023 (ECF No. 67).

As always, we thank the Court for its attention to this matter.

Respectfully,

/s/ Nathan K. Noh

Nathan K. Noh

The Honorable Ona T. Wang
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 20D
New York, NY 10007

VIA CM/ECF

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VIA EMAIL

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VIA EMAIL AND FIRST CLASS MAIL TO LAST KNOWN ADDRESS

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing November 12, 2024 letter to Judge Ona T. Wang to be served (1) on November 12, 2024 on Juan Antonio Crawford via electronic mail at iamjantonio@gmail.com and on Christopher Gentile via electronic mail at chrisgunome@gmail.com and (2) on November 13, 2024 on Christopher Gentile via first class mail at his last known address, 825 Center Street, #28D, Jupiter, FL 33458.

Dated: November 12, 2024

/s/ Nathan K. Noh

Nathan K. Noh

Exhibit A

Nathan Noh

From: Hannah Dwyer
Sent: Wednesday, November 6, 2024 2:12 PM
To: iamjantonio@gmail.com; chrisgunome@gmail.com
Cc: Nathan Noh
Subject: Privileged Document in Counterclaim Defendants' Document production

Mr. Crawford, Mr. Gentile,

We identified a document you produced that may be privileged (CG-JC-00009846). We will delete any copies of the document in our possession, and we have instructed our client to do the same.

Thanks,

Hannah Dwyer
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